

REMARKS

Reconsideration of the patent application as amended is respectfully requested.

Claims 1 and 40 have been amended. Claims 9 and 47 have been canceled. As such, claims 1-8, 10-46, and 48-49 remain in the application.

The Examiner has rejected claims 1, 9, 12, 22, 32, 40, and 48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,160,808 of Maurya ("Maurya") in view of U.S. Patent No. 6,084,858 of Matthews et al. ("Matthews"). Regarding claims 1 and 40, the Examiner has stated:

Maurya teaches a Technique For Transmitting Incoming Multi-Link Point-to-Point (PPP) Packet Traffic Over Multiple Outgoing Links In A Multi-Link PPP packets. Maurya teaches a system comprising:
a transmitter (605, Fig. 6A, a transmitting client PC) to send data frames over a multilink data connection (see col. 12, lines 11-16);
a receiver (650, Fig. 6A, a receiving server) to receive data frames over the multilink data connection (see col. 11, lines 34-39 and col. 12, lines 32-65, a terminal adapter 660 receives packets having sequence numbers that increment by a value n).

(04/12/05 Office Action pp. 2-3).

Applicants respectfully submit that amended claim 1 is not obvious under 35 U.S.C. § 103(a) in view of Maurya and Matthews. Maurya discloses a communication technique which permits incoming multi-link point-to-point packets of a common PPP frame to be simultaneously transmitted across more than one outgoing link in a multi-link bundle. Maurya discloses the following:

Inasmuch as PC 610 is distributing the multi-link PPP packets, typically in sequential round-robin fashion, amongst terminal adapters 620, each one of terminal adapters 660 would receive packets having sequence numbers that increment not by the value one but by the integer value n; hence, skipping intervening sequence numbers.

(Maurya, column 12, lines 42-47).

As can be seen, Maurya discloses a fundamentally different technique from that of amended claim 1. Specifically, Maurya discloses transmitting multi-link PPP packets in a sequential round robin fashion. In contrast, amended claim 1 includes the limitation "the multilink data connection, containing a set of individual links given a credit value based on speed of data transmission and current level of data traffic for each link, wherein a data frame is sent over the link with the credit value that is largest."

Applicants and Examiner agree that Maurya does not disclose transmitting data by assigning a credit value based on speed of data transmission and current level of data traffic for each link. (04/12/05 Office Action p. 3). In fact, Maurya teaches away from amended claim 1 in disclosing the transmission of data in a sequential round robin fashion. Thus, Maurya does not disclose the limitations set forth in amended claim 1 and, in fact, teaches away from the limitations set forth in amended claim 1.

Matthews discloses a method for selecting a communication path over which to send a communication load. Matthews discloses the following:

At a step 16, potential paths are identified (discussed in greater detail below), and the potential paths are assigned a Metric Z value based on transmission criteria (such as available bandwidth and a current usage count of the path), in step 18. Various methods of determining a Metric Z value are described in greater detail below.

The "best path" is determined based upon each path's Metric Z value(s) (step 18). For example, paths having a higher bandwidth (and thus a lower Metric Z) value may be preferred over paths having a lower bandwidth (and a higher Metric Z value).

(Matthews, column 4, lines 44-54).

Matthews discloses assigning a metric Z value to various potential paths within a network as illustrated in FIG. 1. Matthews does not disclose data transmission within a multilink data connection. Claim 1 includes the limitation "a

transmitter to send data frames over a multilink data connection.” (emphasis added).

Furthermore, amended claim 1 includes the limitation “the multilink data connection, containing a set of individual links given a credit value based on speed of data transmission and current level of data traffic for each link, wherein a data frame is sent over the link with the credit value that is largest.”

Matthews discloses assigning a Metric Z value based on transmission criteria (such as available bandwidth and a current usage count of the path). Matthews discloses selecting the best path based on each path’s Metric Z value(s). Matthews discloses paths having a higher bandwidth (and thus a lower Metric Z) value may be preferred over paths having a lower bandwidth (and a higher Metric Z value). (Matthews, col 4, lines 44-54).

Matthews does not disclose a multilink data connection, containing a set of individual links given a credit value based on speed of data transmission and current level of data traffic for each link, wherein a data frame is sent over the link with the credit value that is largest. Thus, Matthews does not disclose the limitations set forth in amended claim 1.

It is respectfully submitted that Maurya does not teach or suggest a combination with Matthews and that Matthews does not teach or suggest a combination with Maurya because Maurya teaches away from such a combination. It would be impermissible hindsight, based on applicants’ own disclosure, to combine Maurya with Matthews. Specifically, Maurya teaches transmitting multilink PPP packets in a sequential round robin fashion. Matthews, on the other hand,

teaches a method for distributing a communication load over multiple paths using a Metric Z value to transfer data.

Furthermore, even if Maurya and Matthews were combined, the combination would lack the following limitation of amended claim 1:

the multilink data connection, containing a set of individual links given a credit value based on speed of data transmission and current level of data traffic for each link, wherein a data frame is sent over the link with the credit value that is largest.

(claim 1).

As such, claim 1, as amended, is not obvious under 35 U.S.C. § 103(a) in view of Maurya and Matthews.

Given that claims 2-8 are dependent directly or indirectly with respect to claim 1, and add additional limitations, applicants submit that claims 2-8 are not obvious under 35 U.S.C. § 103(a).

Applicants respectfully submit that amended claim 40 is not obvious under 35 U.S.C. § 103(a) in view of Maurya and Matthews. Maurya discloses a communication technique which permits incoming multi-link point-to-point packets of a common PPP frame to be simultaneously transmitted across more than one outgoing link in a multi-link bundle. Amended claim 40 includes the limitation “the multilink data connection, containing a set of individual links given a credit value based on speed of data transmission and current level of data traffic for each link, wherein if two links have the same credit value, a data frame is sent over the link that has a slower speed of data transmission.”

Applicants and Examiner agree that Maurya does not disclose transmitting data by assigning a credit value based on speed of data transmission and current level of data traffic for each link. (04/12/05 Office Action p. 3). In fact, Maurya

teaches away from amended claim 40 by disclosing the transmission of data in a sequential round robin fashion. Thus, Maurya does not disclose the limitations set forth in amended claim 40 and, in fact, teaches away from the limitations set forth in amended claim 40.

Matthews discloses assigning a metric Z value to various potential paths within a network as illustrated in FIG. 1. Matthews does not disclose data transmission within a multilink data connection. Amended claim 40 includes the limitation “a transmitter to send data frames over a multilink data connection.” (emphasis added).

Furthermore, amended claim 40 includes the limitation “the multilink data connection, containing a set of individual links given a credit value based on speed of data transmission and current level of data traffic for each link, wherein if two links have the same credit value, a data frame is sent over the link that has a slower speed of data transmission.” Matthews teaches away from sending a data frame over the link that has a slower speed of data transmission. Matthews discloses that if two or more paths have the same aggregate of metric Z_p values, then the path with the minimum aggregate of Metric Z_s value will be used. This metric gives a preference for the path with the highest intrinsic bandwidth. (Matthews, col 8, lines 26-30). Thus, Matthews does not disclose the limitations set forth in amended claim 40 and, in fact, teaches away from the limitations set forth in amended claim 40.

It is respectfully submitted that Maurya does not teach or suggest a combination with Matthews and that Matthews does not teach or suggest a combination with Maurya because Maurya teaches away from such a combination.

It would be impermissible hindsight, based on applicants' own disclosure, to combine Maurya with Matthews. Specifically, Maurya teaches transmitting multilink PPP packets in a sequential round robin fashion. Matthews, on the other hand, teaches a method for distributing a communication load over multiple paths using a Metric Z value to transfer data.

Furthermore, even if Maurya and Matthews were combined, the combination would lack the following limitation of amended claim 40:

the multilink data connection, containing a set of individual links given a credit value based on speed of data transmission and current level of data traffic for each link, wherein if two links have the same credit value, a data frame is sent over the link that has a slower speed of data transmission.

(claim 40).

As such, claim 40, as amended, is not obvious under 35 U.S.C. § 103(a) in view of Maurya and Matthews.

Given that claims 41-46 and 48 are dependent directly or indirectly with respect to claim 40, and add additional limitations, applicants submit that claims 41-46 and 48 are not obvious under 35 U.S.C. § 103(a).

The Examiner has rejected claims 2-8, 10-11, 13-21, 23-31, 33-39, 41-47, and 49 under 35 U.S.C. § 103(a) as being unpatentable over Maurya in view of Matthews and further in view of U.S. Patent No. 6,608,813 of Chiussi et al. ("Chiussi").

Regarding claims 10, 20, 30, and 49 the Examiner has stated:

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to employ Matthews' invention with Maurya's invention to arrive the inventions of claims 10, 20, 30, and 49.

One of ordinary skill in the art would have been motivated to do this in order to improve network efficiency (see col. 3, lines 36-45).

(04/12/05 Office Action p. 7).

Applicants respectfully submit that claim 10 is not obvious under 35 U.S.C. § 103(a) in view of Maurya, Matthews, and Chiussi. Applicants and Examiner agree that Maurya does not disclose the following limitations of claim 10:

determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time;
assigning an initial credit value to the link based on the rating;
producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link;
assigning a data frame to be transmitted across the link based on the current credit value;

(04/12/05 Office Action p. 5).

In fact, Maurya teaches away from claim 10 in disclosing the transmission of data in a sequential round robin fashion. Thus, Maurya does not disclose the limitations set forth in claim 10 and, in fact, teaches away from the limitations set forth in claim 10.

Matthews discloses assigning a metric Z value to various potential paths within a network as illustrated in FIG. 1. Claim 10 includes the limitation “assigning an initial credit value to the link based on the rating.” (emphasis added).

Applicants and Examiner both agree that Matthews does not disclose determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time. (04/12/05 Office Action p. 7). Thus, Matthews does not disclose assigning an initial credit value to the link based on the rating.

Matthews discloses that the best path is determined based upon each path's Metric Z value. Paths having a higher bandwidth (and thus a lower Metric Z) value may be preferred over paths having a lower bandwidth (and a higher Metric Z value).

(Matthews, col 4, lines 50-54). Claim 10 includes the limitation “producing a current

credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link.” Matthews, however, increases the Metric Z value in response to data being transmitting, in opposition to the limitations in claim 10. Thus, Matthews does not disclose producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link. Matthews does not disclose the limitations set forth in claim 10 and, in fact, teaches away from the limitations set forth in claim 10.

Applicants and Examiner both agree that Maurya and Matthews do not disclose determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time. (04/12/05 Office Action p. 7).

Examiner states that Chiussi discloses determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time. (04/12/05 Office Action p. 7).

Chiussi discloses the following:

The packet switching system processes NC requests for switched connections between the incoming communication links and the outgoing communication links. Non-multiplexed NCs are established through the core switching network in which the entire bandwidth of the NC is carried by a single switching path. Inverse multiplexed NCs are established through the core switching network in which the bandwidth of the NC is partitioned among a plurality of switching paths using weight values to determine the fraction of bandwidth to be allocated to each switching path, each portion of the NC traffic taking a separate switching path being referred to as a subconnection.

(Chiussi, col 2, lines 33-44). (emphasis added).

Claim 10 includes the limitation “determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set

period of time.” Chiussi allocates bandwidth among a plurality of switching paths using weight values in a core switching network. Thus, Chiussi does not disclose determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time.

It is respectfully submitted that Maurya does not teach or suggest a combination with Matthews and Chiussi because Maurya specifically teaches away from such a combination. Matthews does not teach or suggest a combination with Maurya and Chiussi. Chiussi does not teach or suggest a combination with Maurya and Matthews. It would be impermissible hindsight, based on applicants’ own disclosure, to combine Maurya, Matthews, and Chiussi. Specifically, Maurya teaches transmitting data in a sequential round robin fashion. Matthews, on the other hand, teaches a method for distributing a communication load over multiple paths. Chiussi teaches the partitioning of bandwidth among a plurality of switching paths in a core switching network.

Furthermore, even if Maurya, Matthews and Chiussi were combined, the combination would lack the following limitations of claim 10:

determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time;
assigning an initial credit value to the link based on the rating;
producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link;

(claim 10).

As such, claim 10 is not obvious under 35 U.S.C. § 103(a) in view of Maurya, Matthews, and Chiussi.

Given that original claims 11-19 are dependent directly or indirectly with respect to claim 10, and add additional limitations, applicants submit that claims 11-19 are not obvious under 35 U.S.C. § 103(a).

Applicants respectfully submit that claim 20 is not obvious under 35 U.S.C. § 103(a) in view of Maurya, Matthews, and Chiussi. Applicants and Examiner agree that Maurya does not teach the following limitations of claim 20:

determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time;
assigning an initial credit value to the link based on the rating;
producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link;
assigning a data frame to be transmitted across the link based on the current credit value;

(04/12/05 Office Action p. 5).

In fact, Maurya teaches away from claim 20 in disclosing the transmission of data in a sequential round robin fashion. Thus, Maurya does not disclose the limitations set forth in claim 20 and, in fact, teaches away from the limitations set forth in claim 20.

Matthews discloses assigning a metric Z value to various potential paths or links within a network as illustrated in FIG. 1. Claim 20 includes the limitation “assigning an initial credit value to the link based on the rating.” (emphasis added). Applicants and Examiner both agree that Matthews does not disclose determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time. (04/12/05 Office Action p. 7). Thus, Matthews does not disclose assigning an initial credit value to the link based on the rating.

Matthews discloses that the best path is determined based upon each path's Metric Z value. Paths having a higher bandwidth (and thus a lower Metric Z) value may be preferred over paths having a lower bandwidth (and a higher Metric Z value). (Matthews, col 4, lines 50-54). Claim 20 includes the limitation "producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link." Matthews, however, increases the Metric Z value in response to data being transmitting, in opposition to the limitations in claim 20. Thus, Matthews does not disclose producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link. Matthews does not disclose the limitations set forth in claim 20 and, in fact, teaches away from the limitations set forth in claim 20.

Applicants and Examiner both agree that Maurya and Matthews do not disclose determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time. (04/12/05 Office Action p. 7).

Examiner states that Chiussi discloses determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time. (04/12/05 Office Action p. 7)

Claim 20 includes the limitation "determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time." Chiussi allocates bandwidth among a plurality of switching paths using weight values in a core switching network. Thus, Chiussi does not disclose determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time.

It is respectfully submitted that Maurya does not teach or suggest a combination with Matthews and Chiussi because Maurya specifically teaches away from such a combination. Matthews does not teach or suggest a combination with Maurya and Chiussi. Chiussi does not teach or suggest a combination with Maurya and Matthews. It would be impermissible hindsight, based on applicants' own disclosure, to combine Maurya, Matthews and Chiussi. Specifically, Maurya teaches transmitting data in a sequential round robin fashion. Matthews, on the other hand, teaches a method for distributing a communication load over multiple paths. Chiussi teaches the partitioning of bandwidth among a plurality of switching paths in a core switching network.

Furthermore, even if Maurya, Matthews, and Chiussi were combined, the combination would lack the following limitations of claim 20:

determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time;
assigning an initial credit value to the link based on the rating;
producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link;

(claim 20).

As such, claim 20 is not obvious under 35 U.S.C. § 103(a) in view of Maurya, Matthews, and Chiussi.

Given that claims 21-29 are dependent directly or indirectly with respect to claim 20, and add additional limitations, applicants submit that claims 21-29 are not obvious under 35 U.S.C. § 103(a).

Applicants respectfully submit that original claim 30 is not obvious under 35 U.S.C. § 103(a) in view of Maurya, Matthews, and Chiussi. Applicants and Examiner agree that Maurya does not disclose the following limitations of claim 30:

determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time;
assigning an initial credit value to the link based on the rating;
producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link;
assigning a data frame to be transmitted across the link based on the current credit value;

(04/12/05 Office Action p. 5).

In fact, Maurya teaches away from claim 30 by disclosing the transmission of data in a sequential round robin fashion. Thus, Maurya does not disclose the limitations set forth in claim 30 and, in fact, teaches away from the limitations set forth in claim 30.

Matthews discloses assigning a metric Z value to various potential paths within a network as illustrated in FIG. 1. Claim 30 includes the limitation “a means for assigning an initial credit value to the link based on the rating.” (emphasis added). Applicants and Examiner both agree that Matthews does not disclose determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time. (04/12/05 Office Action p. 7). Thus, Matthews does not disclose a means for assigning an initial credit value to the link based on the rating.

Matthews discloses that the best path is determined based upon each path's Metric Z value. Paths having a higher bandwidth (and thus a lower Metric Z) value may be preferred over paths having a lower bandwidth (and a higher Metric Z value). (Matthews, col 4, lines 50-54). Claim 30 includes the limitation “a means for producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link.” Matthews, however, increases the Metric Z value in response to data being transmitting, in opposition to the limitations of

claim 30. Thus, Matthews does not disclose a means for producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link. Matthews does not disclose the limitations set forth in claim 30 and, in fact, teaches away from the limitations set forth in claim 30.

Applicants and Examiner both agree that Maurya and Matthews do not disclose determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time. (04/12/05 Office Action p. 7).

Examiner states that Chiussi discloses determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time. (04/12/05 Office Action p. 7).

Claim 30 includes the limitation “a means for determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time.” Chiussi allocates bandwidth among a plurality of switching paths using weight values in a core switching network. Thus, Chiussi does not disclose a means for determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time.

It is respectfully submitted that Maurya does not teach or suggest a combination with Matthews and Chiussi because Maurya specifically teaches away from such a combination. Matthews does not teach or suggest a combination with Maurya and Chiussi. Chiussi does not teach or suggest a combination with Maurya and Matthews. It would be impermissible hindsight, based on applicants’ own disclosure, to combine Maurya, Matthews, and Chiussi. Specifically, Maurya

teaches transmitting data in a sequential round robin fashion. Matthews, on the other hand, teaches a method for distributing a communication load over multiple paths. Chiussi teaches the partitioning of bandwidth among a plurality of switching paths in a core switching network.

Furthermore, even if Maurya, Matthews, and Chiussi were combined, the combination would lack the following limitations of claim 30:

- determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time;
- assigning an initial credit value to the link based on the rating;
- producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link;

(claim 30).

As such, claim 30 is not obvious under 35 U.S.C. § 103(a) in view of Maurya, Matthews, and Chiussi.

Given that claims 31-39 are dependent directly or indirectly with respect to claim 30, and add additional limitations, applicants submit that claims 31-39 are not obvious under 35 U.S.C. § 103(a).

Applicants respectfully submit that claim 49 is not obvious under 35 U.S.C. § 103(a) in view of Maurya, Matthews, and Chiussi. Applicants and Examiner agree that Maurya does not disclose the following limitations of claim 49:

- determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time;
- assigning an initial credit value to the link based on the rating;
- producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link;
- assigning a data frame to be transmitted across the link based on the current credit value;
- reducing the current credit value after a data frame fragment is sent across the link; and
- resetting the current credit value to the initial credit value.

(04/12/05 Office Action p. 5).

In fact, Maurya teaches away from claim 49 by disclosing the transmission of data in a sequential round robin fashion. Thus, Maurya does not disclose the limitations set forth in claim 49 and, in fact, teaches away from the limitations set forth in claim 49.

Matthews discloses assigning a metric Z value to various potential paths within a network as illustrated in FIG. 1. Claim 49 includes the limitation “assigning an initial credit value to the link based on the rating.” (emphasis added). Applicants and Examiner both agree that Matthews does not disclose determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time. (04/12/05 Office Action p. 7). Thus, Matthews does not disclose assigning an initial credit value to the link based on the rating.

Matthews discloses that the best path is determined based upon each path’s Metric Z value. Paths having a higher bandwidth (and thus a lower Metric Z) value may be preferred over paths having a lower bandwidth (and a higher Metric Z value). (Matthews, col 4, lines 50-54). Claim 49 includes the limitation “producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link.” Matthews, however, increases the Metric Z value in response to data being transmitting, in opposition to the limitations in claim 49. Thus, Matthews does not disclose producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link. Matthews does not disclose the limitations set forth in claim 49 and, in fact, teaches away from the limitations set forth in claim 49.

Claim 49 includes the limitation “reducing the current credit value after a data frame fragment is sent across the link.” Applicants and Examiner both agree that Matthews does not disclose reducing the credit value after a data frame fragment is sent across the link. (04/12/05 Office Action p. 6). Matthews teaches a higher Metric Z value for a lower bandwidth path. Thus, Matthews does not disclose reducing the current credit value after a data frame fragment is sent across the link.

Claim 49 includes the limitation “resetting the current credit value to the initial credit value.” Matthews discloses a path’s Metric Z value being updated in order to reflect the decrease in usage of the path. (Matthews, col 5, lines 27-29). Thus, Matthews does not disclose resetting the current credit value to the initial credit value.

Applicants and Examiner both agree that Maurya and Matthews do not disclose determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time. (04/12/05 Office Action p. 7).

Claim 49 includes the limitation “determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time.” Chiussi allocates bandwidth among a plurality of switching paths using weight values in a core switching network. Thus, Chiussi does not disclose determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time.

It is respectfully submitted that Maurya does not teach or suggest a combination with Matthews and Chiussi because Maurya specifically teaches away from such a combination. Matthews does not teach or suggest a combination with Maurya and Chiussi. Chiussi does not teach or suggest a combination with Maurya

and Matthews. It would be impermissible hindsight, based on applicants' own disclosure, to combine Maurya, Matthews, and Chiussi. Specifically, Maurya teaches transmitting data in a sequential round robin fashion. Matthews, on the other hand, teaches a method for distributing a communication load over multiple paths. Chiussi teaches the partitioning of bandwidth among a plurality of switching paths in a core switching network.

Furthermore, even if Maurya, Matthews and Chiussi were combined, the combination would lack the following limitations of claim 49:

- determining a rating of a link in a multilink data connection based on an amount of data that can be transmitted across the link in a set period of time;
- assigning an initial credit value to the link based on the rating;
- producing a current credit value by reducing the initial credit value proportionate to an amount of data currently being transmitted on the link;
- reducing the current credit value after a data frame fragment is sent across the link; and
- resetting the current credit value to the initial credit value.

(claim 49).

As such, claim 49 is not obvious under 35 U.S.C. § 103(a) in view of Maurya, Matthews, and Chiussi.

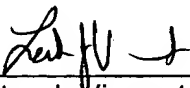
In view of the foregoing amendments and remarks, applicants respectfully submit that all of the rejections and objections have been overcome. Applicants reserve all rights with respect to the applicability of the doctrine of equivalents.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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